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SUBJECT: MAJOR EDUCATION REFORM LAW APPROVED BY CHILEAN CONGRESS;  
TEACHERS ON STRIKE

REF: 06 Santiago 1204

¶1. (SBU) Summary: Both houses of Chile's Congress on April 1 passed a new General Law for Education (LGE) that aims to broadly reform primary and secondary public education. The LGE is based on a widely-applauded bipartisan agreement signed between the Concertacion government and opposition leaders in 2007. Once approved by the Constitutional Tribunal (TC) the LGE can be signed into law by President Bachelet. While the LGE reform law marks a significant achievement of the Bachelet era, further legislative reforms and careful implementation will be required if the LGE is to fulfill its promise of bringing about a high-quality public education for all Chileans. End Summary.

Education Reform Finally Passed Amidst Dismal Performance Results  
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¶2. (U) On April 1, nearly three years after high school students took to the streets in massive numbers to protest the generally low quality of public education, both houses of Congress passed a new General Law for Education (LGE) reforming primary and secondary public education. The legislation is now up for review by the Constitutional Tribunal (TC), as the LGE would modify certain constitutional statutes. Once approved by the TC -- a process expected to take 30 days -- the LGE can be signed into law by President Bachelet.

¶3. (U) During the same week the LGE was approved, dismal test results assessing the performance of future teachers were released. Sixty percent of graduates from university programs in education reportedly were unable to answer even half of the test questions correctly. The test scores of English teachers were said to be distressingly low. In another education development this week, Chile's overall higher education system, which includes teacher education programs, was sharply criticized in a newly-released OECD report.

Genesis of the LGE: The "Penguin Revolution"  
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¶4. (U) The Organic Constitutional Education Law (LOCE) -- the last law passed by Pinochet's government in March 1990 -- decentralized the government's role in education by transferring responsibility for public education to municipalities and private entities. Funding is provided through a per-student government subsidy. The LOCE has been criticized for its emphasis on "the freedom to educate" (a euphemism for applying free-market principles to education) rather than on citizens' rights to education. Because the LOCE is a constitutional law, four-sevenths (57 percent) of congressional votes are required to change or replace it.

¶5. (U) Chile has a "mixed" system of education. Municipal schools provide tuition-free public education, publicly- subsidized private schools usually charge a modest tuition, and fully private schools

have higher tuition rates. A series of reforms since the mid-1990s increased educational access and lengthened obligatory schooling to 12 years, but did little to address concerns about the quality of public education. While there are some exceptions, municipal schools typically provide low-quality schooling to Chile's most economically disadvantaged students, and the best-quality education is found in expensive private schools that serve less than 10 percent of the total student population.

¶16. (u) In the middle ranges of the quality scale are the publicly-subsidized private schools which, unlike municipal schools, are permitted to screen applicants for academic, behavioral, or economic factors. The low quality and generally poor facilities of municipal schools lead many low to middle-income parents to opt for subsidized private schools if they can afford it, further concentrating the most disadvantaged and lowest-achieving students in the beleaguered municipal system.

¶17. (U) Massive yet relatively peaceful student protests in 2006 -- known as the "Penguin Revolution" (because of the dark blue and white uniforms typically worn by students through the high school level) -- received widespread public attention and support (Reftel). These protests forced education reform onto President Bachelet's agenda early in her term. Student demands at that time were targeted at replacing the LOCE and improving the quality of Chile's public education in grades Kindergarten through 12.

¶18. (U) In response to the 2006 student protests, President Bachelet formed a Presidential Advisory Committee on Education Quality that brought government officials, educators, and students together to debate education reform and to offer proposals to improve educational quality. That commission, which both student and teacher representatives eventually abandoned, presented its findings to President Bachelet in December 2006.

#### LOCE vs. LGE: A Contentious Legislative Process

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¶19. (U) In April 2007, President Bachelet sent forward a bill based on the Education Commission's proposals that would replace the LOCE with a new General Education Law (LGE). After months of debate and negotiations between the Concertacion and the opposition Alianza, a bipartisan accord regarding changes to the bill was endorsed in November 2007, to considerable celebration.

¶110. (U) Despite the much-lauded 2007 agreement, the congressional debate heated up again in 2008. Concertacion lawmakers presented 157 amendments to the LGE in the Chamber of Deputies, to the annoyance of opposition legislators, who then threatened to kill the bill. Central to the debate were the definition of "public education," the role of the State, and a questioning of the current role of for-profit educational institutions. Finally, Bachelet herself signed a protocol promising her own Concertacion legislators that she would send a separate, new bill to Congress during the last half of 2008 to specifically strengthen public (municipal) education.

#### "Neither LOCE Nor LGE"

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¶111. (U) Although the LGE bill replaces the LOCE, responding to a primary demand of the 2006 student movement, both students and teachers have continued to protest against the reform. Protests and marches were held throughout 2008 with the slogan "Ni LOCE Ni LGE" (Neither LOCE nor LGE), claiming that the LGE is merely a cosmetic makeover of the dictatorship-era LOCE and fails to adequately address their primary concerns for reform of public education. The maintenance of for-profit educational institutions within the public education system is one bone of contention for both students and teachers.

¶112. (U) Meanwhile, the National Association of Teachers held a nationwide strike on April 2, with support from university student federations. Teachers claim that the reforms in the LGE support neither students nor teachers. However, their principal complaint is that the law would allow university graduates who lack teaching degrees to teach in the public schools. They have vowed to continue

public protests against the LGE now that it has been approved by Congress.

#### The LGE: A New Framework for Public Education

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¶13. (U) The LGE, which will supersede the Pinochet-era LOCE, is a framework law guaranteeing the right to a quality public education. The law is considered to be more democratic and contemporary than the constitutional law that predates it. The LGE seeks to:

-- Strengthen Chile's mixed education system of public municipal schools and publicly-subsidized private schools;

-- Reinforce school autonomy as an essential aspect of effectiveness, and require schools to be accountable for the learning outcomes of their students;

-- Prohibit the selection of students based on economic or academic measures between first and sixth grades in municipal and subsidized private schools, and introduce a series of innovations to the organization and duration of the school cycle (Note: The change decreases primary school from eight years to six, and lengthens high school from four years to six.);

-- Permit university graduates in fields other than education (i.e., individuals without teacher certification), whose university programs have a minimum degree requirement of 8 semesters, to teach in schools for a three-year provisional period, extendable for an additional two years upon request of the school principal. After this period, professionals would need to demonstrate that they have been granted teaching credentials or are taking the courses necessary to obtain one;

-- Clearly define and establish the roles of participating institutions, and the process for creating new institutions. The Ministry of Education is to guide the overall system. The National Education Council will set forth the curriculum and approve learning standards. The Quality Assurance Agency will review and evaluate

learning standards and results. Schools receiving public subsidies will be accountable to a new Education Superintendency that will regulate the system and ensure transparency. School owners will have to comply with more stringent requirements in order to be eligible to offer publicly-subsidized education.

Comment

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¶14. (SBU) The passage of the LGE education reform is a significant achievement for President Bachelet even though it was preceded by a tortuous process of rancorous debates, missteps and delays. However, passage of the LGE provides only the framework for education reform. Further legislation and careful implementation will be necessary if the LGE is to fulfill its lofty promise of ensuring a high-quality public education for all Chileans. Recent test results, the extensive OECD criticism, and further reports on education quality will keep education reform in the public eye for the foreseeable future. At this point in Bachelet's final year in office, it is unlikely that the LGE, which still needs to be signed into law, will be implemented until a new presidential administration takes office in 2010.

SIMONS